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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,165	07/17/2000	Jae Beom Choi	8733.039.20	8415
30827 7590 08/24/2009 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER CALLAWAY, JADE R	
			ART UNIT 2872	PAPER NUMBER
			MAIL DATE 08/24/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 09/618,165	<b>Applicant(s)</b> CHOI ET AL.
<b>Examiner</b> JADE R. CALLAWAY	<b>Art Unit</b> 2872

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 11 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 13-15 and 17-23.

Claim(s) withdrawn from consideration: 27-37.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/Stephane B. Allen/  
Supervisory Patent Examiner, Art Unit 2872

/JADE R. CALLAWAY/  
Examiner, Art Unit 2872

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments and remarks are noted. However, they are not found persuasive. Applicants argue that Sinoto does not disclose that the opaque border supports the polarizing material. The Examiner respectfully disagrees. The opaque border helps support the polarizing material by separating and maintaining the positioning of each of the polarizing elements.

Applicants additionally argue that the objective of Sinoto "is for no light to be lost from either state of polarization" and that the objective is undermined by a polarizer holder with a highly absorbing material. The Examiner respectfully disagrees. Sinoto discloses that the axes of polarization of the elements can be arranged such that a coded pattern of "light" and "dark" elements can be created. As noted in column 3, lines 46-50 of Sinoto, "it is preferred that a read-out be given when all of the elements in a horizontal array have either maximum or minimum transmission of the incident light, that is when all elements are either "light" or "dark." As such, light would necessarily be "lost" due to the combination of polarizers used to polarize the light. Further the opaque border of Sinoto will transmit very little light, and therefore reflects, scatters or absorbs most of it. The Melles-Griot catalogue teaches a lens holder that is made of a material with nearly 100% absorptivity. As noted in Section 4 of the Office Action dated 5/11/09, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Sinoto, as taught by the Melles-Griot catalogue, in order to prevent deleterious light scattering and reflection effects, which may adversely affect the optical beam quality.

Applicants also argue that there is no motivation to combine the Sinoto, the Melles-Griot catalogue and Hanssen references. The Examiner respectfully disagrees. Sinoto, the Melles-Griot catalogue and Hanssen are related as adjustable device. Hanssen discloses X-axis and Y-axis controllers to control displacement in either direction. As noted in Section 4 of the Office Action dated 5/11/09, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Sinoto and the Melles-Griot catalogue, as taught by Hanssen, in order to easily adjust the positioning of elements as needed in both X and Y directions.